

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
CIVIL DIVISION

WILLIAM S. MCLAURINE, II
plaintiff, pro se

v.

the CITY OF AUBURN, ALABAMA
unnamed police DISPATCHER
deputy director BENJAMIN WALKER
Officer LAVARRO BEAN
Lieutenant MATTHEWS
Lieutenant KEITH HOWELL
Chief FRANK DEGRAFFENRIED
DAVID WATKINS
director "BILL" JAMES
City Manager CHARLES DUGGAN

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CIVIL ACTION NO. 3:06cv1014-MEF

DEMAND FOR JURY TRIAL

MOTION IN LIMITING TO DISPOSE OF THE ISSUE OF REASONABLE SUSPICION

The Plaintiff MOVES for and ORDER IN LIMITING on the matter of the reasonable suspicion of Officer Lavarro Bean on or about the Night of November 26, 2004. The Plaintiff MOVES that this ORDER prevent the defendatnt from raising the any fact or opinion directed reasonable suspicion addressed to the finder of fact.

AS GROUNDS for this motion, the Plaintiff asserts that at no time as any person raised a "specifc, objectively verifiable fact" to support reasonable suspicion prior to Officer Lavarro Bean approaching and seizing the Plaintiff on the night of the Plaintiff's arrest.

What has been raised are two items. The first is a call from an anonymous source detailing no criminal activity or public danger. (See APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS Page 83). The other item is the Plaintiff's presence in a "High Crime" area. (See APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS Page 98). Neither of these items amount to a specific objective fact pointing to a "reasonable suspicion" of "specific" criminal activity. Officer Bean even admitted that he did not have reason to suspect the Plaintiff of a specific criminal act. (See APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS Page 319). Officer bean has admitted he did indeed stop the Plaintiff, (See APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS Page 99). This is seizure under the Fourth Amendment and reasonable suspicion must be established before this contact.

I declare under penalty of perjury that the above information is true and correct.

DATE: March 29, 2007



William S. McLaurine, II

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